

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.1391 of 2016
and
C.M.A.SR.No.102617 of 2016

S.Kumarasamy .. Petitioner

Vs.

1.K.R.Dhanasekaran

2.The New India Assurance Company Ltd.,
Gobichettipalayam. .. Respondents

PRAYER: C.M.P.No.1391 of 2016 is filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 2468 days in filing the above appeal.

C.M.A.SR.No.102617 of 2016 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 30.10.2008 made in M.C.O.P.No.63 of 2007 on the file of the Motor Accidents Claims Tribunal, Fast Track Court No.II, Additional District Court, Gobichettipalayam.

For Petitioner : Mr.Ma.P.Thangavel

ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 2468 days in filing the above C.M.A.SR.No.102617 of 2016, which was filed against the judgment and decree dated 30.10.2008 made in M.C.O.P.No.63 of 2007 on the file of the Motor Accidents Claims Tribunal, Fast Track Court No.II, Additional District Court, Gobichettipalayam.

2.Heard the learned counsel for the petitioner.

3.According to the petitioner, he came to know about the dismissal of the appeal C.M.A.No.2947 of 2009 filed by the respondent/Insurance Company with a direction to deposit the entire award amount. On coming to know the dismissal of the appeal filed by the Insurance Company, he got loan from money lenders and sent all the papers to the counsel on record in the last week of October, 2015 and hence delay of 2468 days has been occurred. The reason given by the petitioner is not valid and sufficient for condoning delay of 2468 days. In view of the same, this Court is not inclined to condone the delay. Accordingly,

C.M.P.No.1391 of 2016 stands dismissed and consequently,
C.M.A.SR.No.102617 of 2016 is rejected at the SR stage itself. No
costs.

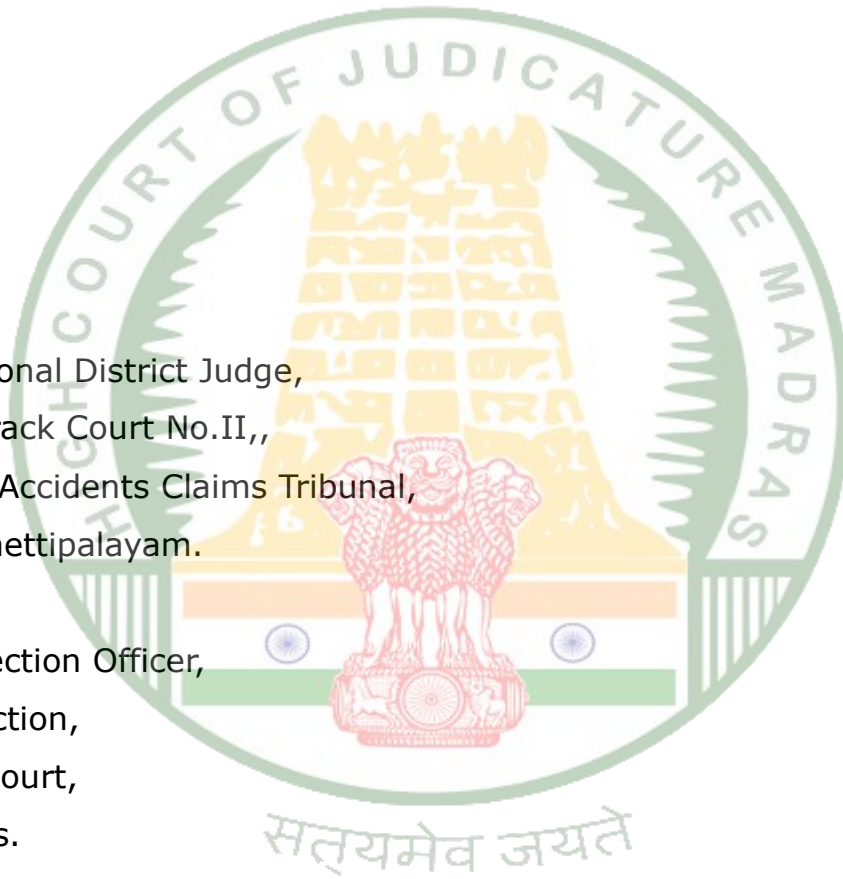
07.02.2019

krk

To

1. Additional District Judge,
Fast Track Court No.II,,
Motor Accidents Claims Tribunal,
Gobichettipalayam.

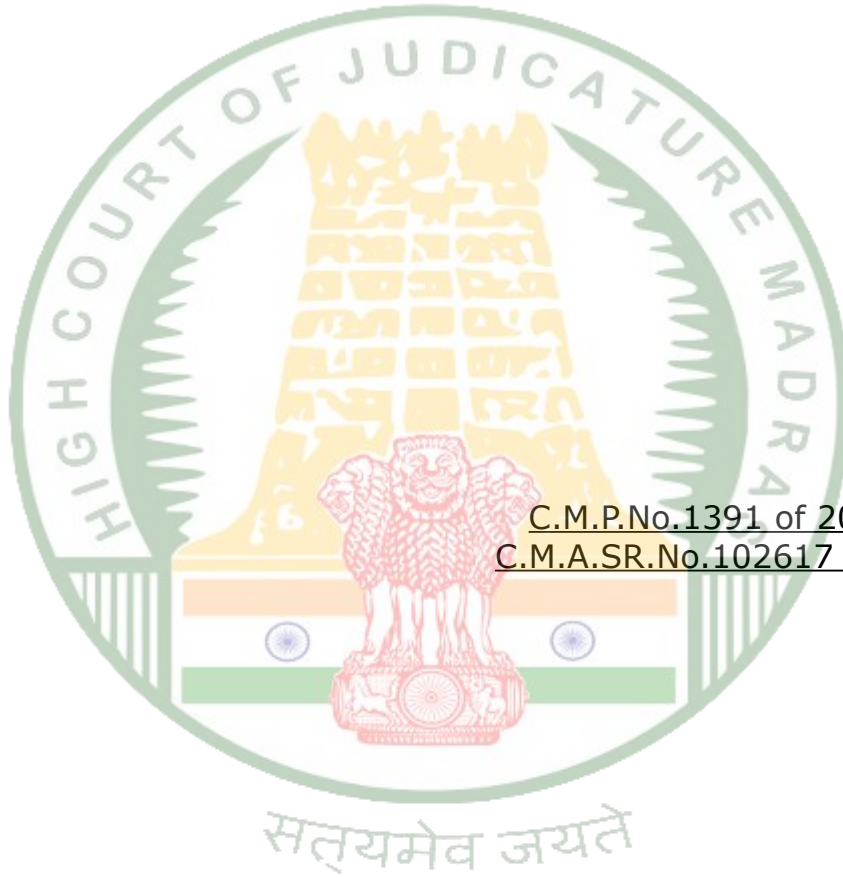
2.The Section Officer,
VR Section,
High Court,
Madras.



WEB COPY

V.M.VELUMANI, J.

krk



C.M.P.No.1391 of 2016 and
C.M.A.SR.No.102617 of 2016

WEB COPY

07.02.2019